

Brian Hennessy (SBN 226721)
E-mail: BHennessy@perkinscoie.com

Perkins Coie LLP
101 Jefferson Drive
Menlo Park, CA 94025-1114
Telephone: (650) 838-4300
Facsimile: (650) 838-4350

Elizabeth L. McDougall, WA Bar No. 27026 (*pro hac vice*)
E-mail: EMcDougall@perkinscoie.com

Perkins Coie LLP
1201 Third Avenue, Suite 4800
Seattle, Washington 98101-3099
Telephone: (206) 359-8000
Facsimile: (206) 359-9000

Attorneys for Plaintiff
craigslist, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

craigslist, Inc., a Delaware corporation,

Plaintiff,

v.

John Doe d/b/a cladgenius.com; John Doe d/b/a
caposter.net; John Doe d/b/a pvagenius.com;
and Does 4 through 25, inclusive,

Defendants.

Case No. **C 09-04737 MMC**

**~~[PROPOSED]~~ ORDER GRANTING
PLAINTIFF CRAIGSLIST INC.'S
ADMINISTRATIVE REQUEST
PURSUANT TO LOCAL RULE 7-11 FOR
LEAVE TO TAKE DISCOVERY PRIOR
TO RULE 26 CONFERENCE**

The Court, having considered Plaintiff craigslist Inc.'s Administrative Request Pursuant To Local Rule 7-11 For Leave For Expedited Discovery Prior To Rule 26 Conference, hereby GRANTS the motion. Therefore, it is hereby ORDERED as follows:

(1) Immediate Discovery

ORDERED that craigslist may serve immediate discovery for the limited purpose of obtaining the names, current and permanent addresses, telephone numbers, and e-mail addresses or similar information ("Identifying Information") for all subscribers, registrants, and persons responsible for administering the domains cladgenius.com, caposter.net, and pvagenius.com and ^{the alleged} for illegal activities by the individuals and businesses operating through these websites ("Doe Defendants").

ORDERED that craigslist may immediately serve subpoenas seeking Identifying Information of the Doe Defendants, in the form attached as Exhibit A to this Proposed Order, on the Internet Service Providers ("ISPs"), privacy registrars, and payment processors associated with cladgenius.com, caposter.net, and pvagenius.com as identified in craigslist's investigations to date, through this expedited discovery, and through craigslist's ongoing investigations (collectively "Third Parties" and individually "Third Party");

ORDERED that craigslist must serve on the Third Parties a copy of this Order attached to the subpoena;

(2) Identification and Service on Defendants

ORDERED that, within five (5) days of service of a subpoena, the Third Party shall internally identify the Doe Defendants and send a copy of the subpoena and this Order to the Doe Defendants at the last known address (email address and street address, if any).

(3) Motions to Quash or Other Objections

ORDERED that the Third Parties shall have 15 days from service of the subpoena, to ¹⁵ move to quash or otherwise object to the subpoena and that Defendants shall have ~~10~~ ¹⁵ days from service of the subpoena on them, to move to quash or otherwise object to the subpoena. If neither the Third Parties nor Defendants so move or object within these time periods, the Third Parties ²⁵ shall serve the Identifying Information on craigslist within ~~20~~ ²⁵ days of service of the subpoena on the Third Parties.

(4) Preservation of Evidence

ORDERED that the Third Parties and Doe Defendants shall preserve and not destroy all evidence, including, but not limited to, all Identifying Information and all other information, data and documents, that relate to the Doe Defendants and the domain names cladgenius.com, caposter.net, and pvagenius.com.

(5) Scope of Use of the Identifying Information

ORDERED that any information disclosed to craigslist by a Third Party in response to a subpoena issued pursuant to this Order may be used by craigslist solely for the purpose of protecting its rights in this case. Any such information filed with this Court shall conform to Federal Rule of Civil Procedure 5.2 and Civil Local Rule 3-17.

Rationale of Decision

In accordance with *UMG Recordings, Inc. v. Doe*, No. C 08-1193 SBA, 2008 WL 4104214, *4 (N.D. Cal., September 3, 2008), craigslist has made a showing of “good cause” to conduct discovery prior to the Federal Rule of Civil Procedure 26(f) conference for the limited purpose of obtaining the Doe Defendants’ Identifying Information.

IT IS SO ORDERED.

Dated this 5th day of November, 2009.


The Honorable Maxine M. Cheney

Presented by:

PERKINS COIE LLP

By: /s/ Brian Hennessy
Brian Hennessy

Attorney for Plaintiff craigslist, Inc.

EXHIBIT A

Please produce:

(1) all logs, records, data, documentation and other information containing the names, current and permanent addresses, telephone numbers, and e-mail addresses ("subscriber information") for the persons responsible for the domain names cladgenius.com, caposter.net, and pvagenius.com ("Subject Domain Names"), including: (a) persons who administered the content displayed on said websites, (b) persons responsible for payment for domain registration or website hosting fees, and (c) persons responsible for payment processing services used by the Subject Domain Names ("Defendants") or similar information suitable to identify Defendants ("Identifying Information"); and

(2) The IP addresses used to upload information to or otherwise administer the websites cladgenius.com (IP address located at 94.229.66.206), caposter.net (IP address located at 209.25.133.138), and pvagenius.com (IP address located at 174.37.143.136).